

EXHIBIT 138

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

DONNA CURLING, ET AL.,)
)
Plaintiffs,)
) Civil Action No.
vs.)
) 1:17-CV-2989-AT
BRAD RAFFENSPERGER, ET AL.,)
)
Defendants.)

VIRTUAL VIDEOTAPED 30(b)(6) DEPOSITION OF
SANFORD MERRITT BEAVER
Thursday, March 10, 2022
9:09 a.m.
VOLUME II (Pages 260 - 439)

Robin K. Ferrill, CCR-B-1936, RPR

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1 whatever the results were of the investigation done
2 here; is that right?

3 A. Correct.

4 Q. Mr. Beaver, when we were together last, I
5 asked you some questions about a July 2021 report
6 that Dr. Halderman had prepared in our case looking
7 at voting equipment provided by Fulton County.

8 Do you recall that?

9 A. I believe so.

10 Q. As of today, have you reviewed that report
11 yourself?

12 A. I don't recall. I think I -- I won't say
13 that I remember. I think I have discussed it
14 internally. If this is a report -- this is about the
15 old election equipment?

16 Q. No. This is the current election equipment
17 provided by Fulton County.

18 A. Provided by Fulton County?

19 Q. Yes.

20 A. Current -- so I don't recall. I would have
21 to see that again.

22 Q. All right.

23 MR. CROSS: Grab Exhibit 10, if you would.

24 And I'm giving you the redacted version. It has
25 modest redactions, but if you want to see the

1 unredacted, we can do it. But I'm just going to
2 start with the redacted.

3 (Plaintiffs' Exhibit 10, Security Analysis
4 of Georgia's ImageCast X Ballot Marking Devices,
5 Expert Report Submitted on Behalf of Plaintiffs
6 Donna Curling, et al., authored by Prof. J. Alex
7 Halderman, Ph.D. with the assistance of Prof.
8 Drew Springall, Ph.D., dated July 1, 2021,
9 marked for identification.)

10 Q. (By Mr. Cross) So just let me know when you
11 have got it in front of you.

12 A. I got it.

13 Q. As you see, Exhibit 10 says "Security
14 Analysis of Georgia's ImageCast X Ballot Marking
15 Devices," and it's by Professor Halderman, dated
16 July 1, 2021.

17 A. Yes, I see it.

18 Q. And if you need a moment to flip through
19 it, go ahead. But tell me if this is a document you
20 have seen before.

21 A. It looks familiar. I can't recall when I
22 saw it, but it looks familiar.

23 Q. Well, what -- I thought you told me last
24 time that you testified that you had never seen this
25 report and were not even aware of it until recently.

1 A. Well, I think that's -- when I say
2 "familiar," the conversation that's in here looks --
3 sounds familiar. It may have been from our
4 conversation. But prior to that, I have not gone
5 through this in detail.

6 Q. I see. So it could just be --

7 A. Did you not bring this up last time?

8 Q. I did. And that's a fair point. So let me
9 be more specific.

10 A. That's probably when I saw it last.

11 Q. Okay. Okay. That's fair points. Let me
12 be -- let me ask a better question.

13 Have you at any point, as part of your job
14 as a CIO, reviewed this report?

15 A. No.

16 Q. Okay. All right. Thank you. And that's a
17 good clarification.

18 As you sit here today, are you aware of any
19 measures taken by the Secretary's Office to address
20 any of the issues that are raised in this report? Do
21 you know one way or the other?

22 A. I don't know anything specific that anybody
23 said based on this report, we should do "X," "Y" and
24 "Z." Now, we have done a number of different things,
25 but I don't know whether they were based in things

1 that came out of this report or just other types of
2 security things we do on a general basis.

3 Q. So again, this report is dated July 1 of
4 last year. Are there any specific security measures
5 that you are aware of that the Secretary's Office
6 implemented since July of 2021, last year, to protect
7 against vulnerabilities with the voting equipment?

8 MR. DENTON: Object to form.

9 A. I am not aware of it.

10 Q. (By Mr. Cross) Sorry. You said you are not
11 aware?

12 A. I am not aware, but that doesn't mean none
13 happened. I'm just not aware. Understand, counties
14 manage the equipment, not the Secretary of State's
15 Office.

16 Q. And are you aware of any measures taken by
17 any county of Georgia since July of 2021 to address
18 vulnerabilities with the voting equipment?

19 MR. DENTON: Object to form.

20 A. I'm not aware.

21 Q. (By Mr. Cross) Are you aware of any
22 measures taken by the Secretary's Office to address
23 vulnerabilities with the voting system more broadly
24 since July of 2021?

25 MR. DENTON: Object to form.

1 A. That's a broad question. Voting system is
2 a lot of different pieces and parts. Which one --
3 what are you specifically asking about?

4 Q. (By Mr. Cross) So one of the responses the
5 State has made in response to this July 1 report from
6 Dr. Halderman is that, you know, some of the
7 vulnerabilities he finds, like, for example, the
8 ability to upload malware through a USB port on the
9 voting equipment, are you aware of any measures taken
10 by the Secretary's Office or by a county to increase
11 security around access to those ports or to the
12 machines?

13 A. I'm not aware. That doesn't mean it hasn't
14 been done.

15 Q. Are you aware of any measures taken by
16 Dominion to address vulnerabilities with their own
17 voting equipment since July of 2021?

18 A. I'm not aware.

19 Q. Do you know whether anyone at the
20 Secretary's Office has discussed Dr. Halderman's
21 report with anyone at Dominion? This report?

22 A. I'm not aware.

23 Q. If you wanted to know the answer to that,
24 who would you ask?

25 A. I might start with Gabe Sterling or Michael

1 MR. DENTON: Yes, I saw the application. I
2 just haven't seen anything further.

3 Thank you.

4 MR. HAVIAN: You are welcome.

5 (Plaintiffs' Exhibit 11, Curling
6 Plaintiffs' Fifth Amended Notice of Deposition
7 of Office of the Secretary of State, marked for
8 identification.)

9 Q. (By Mr. Havian) Okay. Mr. Beaver, let's
10 jump right in. I would like to have you take a look
11 at Exhibit 11.

12 A. Okay.

13 Q. Which is a Notice of Deposition. And the
14 pages, at least on my copy, do not appear to be
15 numbered. But if you could -- if you could scroll
16 down to Topic Number 10, which is about
17 three-quarters of the end of the document.

18 A. Does it start with any instance in 2020 and
19 2021?

20 Q. Correct. That says "Any instance in 2020
21 or 2021, within the knowledge of the Secretary of
22 State's Office, when a person or entity other than an
23 authorized election worker or Georgia state or county
24 official obtained voting data from a Georgia election
25 or images of voting equipment used in a Georgia

1 election."

2 Do you see that?

3 A. Yes.

4 Q. That's going to be the primary area of my
5 focus today. Are you prepared to address that issue
6 today?

7 A. I can answer to my knowledge.

8 Q. Have you taken any steps to gather
9 knowledge of any other persons in the Georgia
10 Secretary of State's Office about this issue?

11 A. No.

12 Q. Okay. I believe it was yesterday or
13 perhaps the evening before yesterday, Mr. Bruce
14 Brown, counsel for the Coalition, sent an e-mail to
15 Mr. Russo and Mr. Miller asking that you, in
16 particular, focus on a particular aspect of Issue
17 Number 10. And I'll read that to you. It says "That
18 examination will focus primarily on the events
19 discussed in the audio recording marked as Exhibit 12
20 and played at the deposition of Gabriel Sterling
21 involving the imaging of election hardware and
22 software in Coffee County. Please ensure that the
23 witness is prepared to address that aspect as well as
24 the other aspects of Issue 10."

25 I guess my question is, are you aware --

1 Do you understand the sentence I just read
2 to you about physical security?

3 A. Yes, I do.

4 Q. Do you agree with Mr. Sterling's testimony?

5 A. I do.

6 Q. Can you explain why physical security is so
7 important in election security?

8 A. Physical security is one vector of attack
9 for someone who is trying to do some malicious damage
10 to the environment. So protecting physical access is
11 one avenue that you have to go after to make sure
12 that the system is secure.

13 Q. To your knowledge, has the Secretary of
14 State taken any steps since the 2020 Presidential
15 election to investigate the physical security of the
16 election hardware and software in Coffee County?

17 A. In Coffee County? I -- specifically, that
18 county, I can't speak to. I know that we do a number
19 of things to monitor all counties, so Coffee would be
20 included in that.

21 So -- but I don't know of anything
22 specifically targeting Coffee County. Coffee would
23 be included in the -- in the monitoring for physical
24 security that is done across all counties.

25 Q. Okay. Do you know -- can you describe for

C E R T I F I C A T E

STATE OF GEORGIA)

) ss.:

FULTON COUNTY)

I, Robin Ferrill, Certified Court Reporter within
the State of Georgia, do hereby certify:

That MERRITT BEAVER, VOLUME II, the witness
whose deposition is hereinbefore set forth, was duly sworn
by me and that such deposition is a true record of the
testimony given by such witness.

I further certify that I am not related to any
of the parties to this action by blood or marriage; and
that I am in no way interested in the outcome of this
matter.

IN WITNESS WHEREOF, I have hereunto set my
hand this 25th day of March, 2022.



ROBIN K. FERRILL, RPR